



## 10 Top Prop. 64 FAQ's

### **1. What am I legal to do now that Prop. 64 has passed in California?**

As of Nov. 9<sup>th</sup>, 2016, it became legal for any adult 21 years or older to: possess, transport, obtain or give away to other adults 21 or older no more than one ounce of marijuana or 8 grams of concentrated cannabis. It also became legal to cultivate up to six plants per residence and possess the marijuana produced by these plants (subject to "reasonable regulations" by local governments). Retail sales for adult use will not begin until licensed stores are in operation after Jan 1, 2018. In the meantime, Prop. 215 patients with a doctor's recommendation can continue to purchase at medical collectives and dispensaries.

### **2. Do I still need a doctor's note now that Prop. 64 has passed?**

No, and yes. You'll be legal to possess under an ounce without a doctor's recommendation. But, people won't be able to purchase marijuana in stores without a doctor's recommendation until 2018. Under Prop. 64, you can grow up to 6 plants for your personal use. Local jurisdictions may ban outdoor cultivation, but may not ban growing 6 plants indoors or in a "secure" location. Patients with a doctor's recommendation can still grow more plants if needed, provided their local jurisdictions will allow it.

### **3. When and where can I grow my 6 plants, and how can I get clones or seeds to grow marijuana now that it's legal under Prop. 64?**

You can grow your six plants per parcel of land at your residence now, subject to "reasonable regulations" by local governments, which may also ban outdoor cultivation. A legal mechanism for buying seeds or clones for recreational users won't be in place until licensing for commercial marijuana businesses happens in 2018.

### **4. Am I protected against employment drug testing now that Prop. 64 passed?**

No. Prop. 64 specifically allows employers to continue to prohibit marijuana use of their employees. In California, even medical marijuana patients can be fired for failing an employment drug test.

### **5. How much marijuana can I grow for my personal use?**

Under Prop. 64, everyone can grow 6 plants at their residence (the limit is per residence, not per person). Local agencies may ban outdoor cultivation, and "reasonably regulate" indoor cultivation, which must be in a residence or secure location. Medical patients can still grow whatever they need, provided local zoning regulations permit it.

### **6. Can I take marijuana on a plane?**

Some airports do allow marijuana to travel as long as it meets the legal limits, others do not. If you're flying out of California, check the reciprocal city within the state for local marijuana ordinances. In no case is marijuana legal to transport out of state.

### **7. Can I use medical marijuana while on probation or parole?**

Yes, you can, unless the judge specifies that you cannot under the terms of your probation. You can request a judge to affirm your use of medical marijuana or modify the terms of your probation to allow medical marijuana use.

### **8. Can I grow or use marijuana with children in the house?**

There is nothing in state law specifically against possessing marijuana in a house where children reside. However, it should always be kept away from children.

### **9. Can I own or buy a gun if I use marijuana?**

In 2011, the Federal Bureau of Alcohol Tobacco and Firearms informed firearm dealers they could not sell a firearm to known marijuana users. When buying a firearm, the buyer is asked if he or she are an unlawful user (Federal law) of, or addicted to, marijuana?"

Answering "yes" makes you ineligible to purchase a firearm; falsely answering "no" is in principle punishable as perjury. This should not affect current firearm owners. Although California law does not prohibit marijuana users from having firearms, using a firearm in connection with an offense such as cultivation or possession with sale can result in additional criminal charges. Users are advised to keep their firearms in a location that is separate from their marijuana.

### **10. Can I lose my housing status, if I use or grow marijuana?**

The US Department of Housing and Urban Development has stated that local housing authorities can determine their own policies regarding medical marijuana use in HUD housing. Landlords may make conditions on tenancy that exclude medical marijuana cultivation or use. This is unlikely to change with the passage of Prop. 64.